**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**CRIMINAL APPEAL No. 933 of 1999**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**STATE OF GUJARAT - Appellant**
**Versus**
**RAMAN MOTIBHAI & 2 – Respondents**

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**Appearance :**
MR MA PATEL ADDL PUBLIC PROSECUTOR for Appellant : 1,
MR DM AHUJA for Respondents : 1 - 3.

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**CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

**Date : 28/12/2006**

**ORAL JUDGMENT**

1. The appellant State of Gujarat has preferred this appeal under Section 378 of the Code of Criminal Procedure challenging the order of

acquittal dated 12.7.1999 passed by the learned Metropolitan Magistrate, Court No. 19, Ahmedabad in Criminal Case No. 1014 of 1994 acquitting the respondents of charges of offences punishable under Sections 325, 294, 447 read with Section 114 of the IPC and under Section 135(1) of the Bombay Police Act.

2. Criminal Revision Application No.489 of 1999 is filed by the original complainant-informant alleging commission offences by the present respondents and challenging the order of acquittal dated 12.7.1999 passed by the learned Metropolitan Magistrate, Court No. 19, Ahmedabad in Criminal Case No. 1014 of 1994. On this Revision Application, this Court (Coram: R.P. Dholakia, J.) on 14.2.2000 passed the following order :

> “No order as the appeal filed by the State is admitted.”

3. In view of this, it can be said that no order was passed in Revision Application as acquittal Appeal being Criminal Appeal No. 933 of 1999 was filed by the State and had already been admitted. The Registry is treating this matter being Criminal Revision Application No. 489 of 1999 has having been been dispose off, however, the same is shown on the board alongwith Criminal Appeal No. 933 of 1999, therefore, essentially, the order is required to be made in Criminal Appeal No. 933 of 1999.

4. Shri Pancholi, learned counsel appearing for the

revisionist-applicant in Revision Application No. 489 of 1999 and Shri D.M. Ahuja, learned counsel appearing for the respondents original accused in this Appeal being Criminal Appeal No. 933 of 1999, have made statement before this Court that except offence under Section 294, all other offences are compoundable and some of them are compoundable with the consent of the Court and the parties have arrived at amicable settlement for compounding the offences and they have reduced the said compromise into writing. The compromise arrived at between the parties is placed on the record of this Court. Learned counsels have countersigned the said compromise and some of the parties are present before this Court. This matter was listed in the Board on 27.12.2006 and as the compromise was being arrived at between the parties, it was treated as part heard and today, it is taken up for final disposal.

5. In light of the settlement arrived at between the parties, the order of acquittal deserves to be viewed.

6. Shri Patel, learned APP has submitted that the fact remains to be noted that the entire controversy had arisen out of disputes between two neighbours and as the settlement duly executed is tendered before the Court, the same deserves to be considered in its proper perspective. Shri Patel, learned APP could not assailed the order of acquittal passed by the

trial Court.

7. This Court has perused the records and proceedings and as it appears from the judgment of the trial Court, no infirmity can be said to have been committed by the trial Court, so as to result into miscarriage of justice.
8. In view of this, this acquittal appeal deserves to be dismissed and is accordingly dismissed.

(S.R.BRAHMBHATT, J.)

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